

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 20-011-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS AMENDING SECTIONS OF ARTICLE 14.02, THE COMPOSITE ZONING ORDINANCE TO UPDATE THE ORDINANCE TO MAKE STREET TREE REQUIREMENTS OPTIONAL; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the Planning & Zoning Commission held a public hearing on the proposed amendments to Section 14.02.001, Article 14.02, Chapter 14, Leander Code of Ordinances (the “Composite Zoning Ordinance”), and forwarded its recommendation on the amendments to the City Council; and

WHEREAS, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has considered the proposed amendments and finds that the amendments are reasonable and necessary to protect the health, safety, and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

SECTION 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Amendment of Article VI, Section 1 (b) (11) (i). Article VI, Section 1 (b) (11) (iv) of the Composite Zoning Ordinance is hereby amended Ordinance is hereby amended to read as follows:

- (iv) If street trees are proposed, the street trees may be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree detail. Street trees are not required, but if they are proposed the street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.

SECTION 3. Amendment of Article VI, Section 1 (b) (12). Article VI, Section 1 (b) (12) of the Composite Zoning Ordinance is hereby amended Ordinance is hereby amended to read as follows:

- (12) Minimum landscape requirements for residential districts other than multi-family shall be three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in this section from the front property line to the front

two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. Each residential lot or building envelope shall be required to plant at least two (2) trees measuring at least two (2) caliper inches selected from the City's preferred plant list or the Grow Green Guide. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements.

SECTION 4. Amendment of Article VI, Section 1 (e) (2). Article VI, Section 1 (e) (2) of the Composite Zoning Ordinance is hereby amended to remove item (2) that reads as follows and renumber the remaining sections.

- (2) All development adjacent to a corridor shall install street trees between the back of curb or edge of pavement and the required sidewalk in accordance with the City's street tree detail. The trunk of the street tree shall be no closer than 3 feet from the back of curb or edge of pavement and no further than eight (8) feet; the Director of Planning may approve alternative locations if specific conditions warrant. Street tree species shall be consistent on both sides of the corridor, species may change at a street intersection, however major intersections shall comply with the major intersection standards in this section. Street trees shall be spaced no more than thirty (30) feet on center and shall be in a straight line along the corridor.

SECTION 5. Conflicting Ordinances. Exhibit "A", Section 10.02.001, Article 10.02, Chapter 10, Leander Code of Ordinances is amended as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

SECTION 6. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting subdivision within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

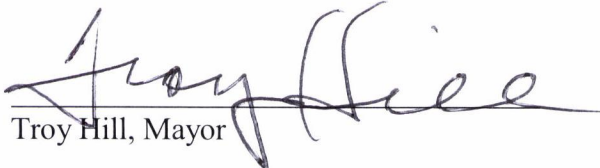
SECTION 8. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same

would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.


SECTION 9. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading this the 20th day of February, 2020.
FINALLY PASSED AND APPROVED on this the 5th day of March, 2020.

THE CITY OF LEANDER, TEXAS


Troy Hill, Mayor

ATTEST:


Dara Crabtree, City Secretary



COMPOSITE ZONING ORDINANCE

Art Sec		Current	Proposed
VI	1 (b)(11)	<p>(i) Street trees shall be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree detail. Street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.</p>	<p>(i) If street trees are proposed, the street trees may be planted between the sidewalk and back of curb (or edge of pavement) in accordance with the City's street tree detail. Street trees are not required, but if they are proposed the street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision (if applicable). Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street. Street trees may be counted toward the required tree plantings within the front or street side setback area.</p>
VI	1 (b) (12)	<p>Minimum landscape requirements for residential districts other than multi-family shall be three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in this section from the front property line to the front two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. Each residential lot or building envelope shall be required to plant at least two (2) trees measuring at least two (2) caliper inches selected from the City's preferred plant list or the Grow Green Guide. At least one of the required trees shall be a street tree planted between the sidewalk and the back of curb (or edge of pavement) in accordance with the City's street tree detail. Street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision. Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street which may require two (2) or more street trees to be planted per lot to achieve the required spacing. Lots less than thirty (30) feet wide and with less than a fifteen (15) foot deep front yard are only required to plant one (1) tree which shall be the street tree. Corner lots shall plant street trees on both streets. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements.</p>	<p>Minimum landscape requirements for residential districts other than multi-family shall be three (3) one-gallon shrubs, three (3) five-gallon shrubs and turf grass or an alternative material as defined in this section from the front property line to the front two (2) corners of the structure and a minimum coverage area extending 3' from the slab/foundation to protect water runoff from the roof drip line. If lawn grass is not used in this area, then rain gutter systems shall be in place. Each residential lot or building envelope shall be required to plant at least two (2) trees measuring at least two (2) caliper inches selected from the City's preferred plant list or the Grow Green Guide. At least one of the required trees shall be a street tree planted between the sidewalk and the back of curb (or edge of pavement) in accordance with the City's street tree detail. Street tree species shall be consistent on both sides of the street within a block, shall be a street tree species listed in the preferred plant list, and shall be specified in the Construction Plans for the subdivision. Street tree spacing shall not exceed thirty (30) feet on center between trees on the same side of the street which may require two (2) or more street trees to be planted per lot to achieve the required spacing. Lots less than thirty (30) feet wide and with less than a fifteen (15) foot deep front yard are only required to plant one (1) tree which shall be the street tree. Corner lots shall plant street trees on both streets. Existing trees and shrubs that are retained in healthy condition may count toward fulfillment of these requirements.</p>
VI	1 (e) (2)	<p>(e) Major Corridor Streetscape Standards.</p> <p>(2) All development adjacent to a corridor shall install street trees between the back of curb or edge of pavement and the required sidewalk in accordance with the City's street tree detail. The trunk of the street tree shall be no closer than 3 feet from the back of curb or edge of pavement and no further than eight (8) feet; the Director of Planning may approve alternative locations if specific conditions warrant. Street tree species shall be consistent on both sides of the corridor, species may change at a street intersection, however major intersections shall comply with the major intersection standards in this section. Street trees shall be spaced no more than thirty (30) feet on center and shall be in a straight line along the corridor.</p>	<p>(e) Major Corridor Streetscape Standards.</p> <p>(2) All development adjacent to a corridor shall install street trees between the back of curb or edge of pavement and the required sidewalk in accordance with the City's street tree detail. The trunk of the street tree shall be no closer than 3 feet from the back of curb or edge of pavement and no further than eight (8) feet; the Director of Planning may approve alternative locations if specific conditions warrant. Street tree species shall be consistent on both sides of the corridor, species may change at a street intersection, however major intersections shall comply with the major intersection standards in this section. Street trees shall be spaced no more than thirty (30) feet on center and shall be in a straight line along the corridor.</p>